

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 REVIEW APPLICATION (CIVIL) NO.304 OF 2022
IN WP/9751/2022

VIKAS RATNAKAR DEOBHANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for Applicant : Mr. Savale Amit S
AGP for Respondents-State : Mr. K. B. Jadhavar
Advocate for respondent : Mr. Pramod Gaikwad
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 16th December, 2022

PER COURT :

1. Heard learned Advocate Mr. A. S. Savale for applicant, learned AGP Mr. K. B. Jadhavar for State and learned Advocate Mr. Pramod Gaikwad for respondent.
2. The learned Advocate for the petitioner points out Rule 107 sub-rule (11) (f) proviso of the Maharashtra Co-operative Societies Act, 1960, indicates that before any auction sale is made, the Registrar shall approve the upset price considering the prevailing prices in the market, ready recokner rates, and by obtaining valuation from the approved valuer within one month.

3. The learned Advocate for the petitioner submits that he has specifically argued this particular point before the learned Single Judge, however, the same is not reflected in the impugned order. In the order under review it is held that sufficient opportunity was given to the petitioner to contest the upset price by the authorities conducting the auction sale and the same has not been availed by the petitioner. In view of the same, the issue raised that the upset price has to be determined by applying the above conditions does not arise for consideration.

4. The learned Advocate for the respondent submits that the auction sale has also been conducted and the present application is only to protract the process of sale and recovery. In the event that the learned Advocate for the petitioner is aggrieved by the order under review he may seek appropriate remedy as available in law.

5. There is no error apparent on the face of record of the Judgment under review. In view of the same, this review application is dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.